

SENATE BILL 2074  
By Haun

AN ACT to amend Tennessee Code Annotated, Section 55-50-102(12)(D)(i) and Section 55-50-405, relative to commercial driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-102(12)(D)(i), is amended by deleting the comma "," between the words "nursery" and "or" and substituting instead a period ".", and by deleting the following language "or solely intrastate".

SECTION 2. Tennessee Code Annotated, Section 55-50-102(25), is amended by deleting the language "whichever is greater" and inserting a ";" after the word "rating".

SECTION 3. Tennessee Code Annotated, Section 55-50-102(26), is amended by deleting the subsection in its entirety and substituting instead the following:

(26) "Gross Vehicle Weight Rating (G.V.W.R.)" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle. In the absence of a value specified by the manufacturer, the G.V.W.R. will be determined by the actual gross weight or registered vehicle weight;

SECTION 4. Tennessee Code Annotated, Section 55-50-405(a), is amended by adding the following new subsections:

(7) The commissioner shall suspend the drivers license of a driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle for ninety (90) days if the driver is convicted of a first violation of an out-of-service order. The commissioner shall suspend the drivers license of a driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle for one (1) year if, during any ten (10) year period, the driver is convicted of two (2) violations of out-of-service orders in separate incidents. The commissioner shall suspend the drivers license of a driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle for three (3) years if, during any ten (10) year period, the driver is convicted of three (3) or more violations of out-of-service orders in separate incidents.

(8) The commissioner shall suspend the drivers license for a period of one hundred eighty (180) days if a driver is convicted of violating an out-of-service order while driving a commercial motor vehicle while transporting hazardous materials required to be placarded under the "Hazardous Materials Transportation Act" (49 U.S.C. app. 1801-1813), or while operating a motor vehicle designed to transport more than 15 passengers including the driver. The commissioner shall suspend the drivers license of a driver who is convicted of violating an out-of-service order while driving a commercial motor vehicle for a period of three (3) years if the driver is convicted of any subsequent violation of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the "Hazardous Materials Transportation Act", or while operating a commercial motor vehicle designed to transport more than 15 passengers, including the driver.

SECTION 5. Tennessee Code Annotated, Section 55-50-405, is further amended by adding the following language as a new subsection (f):

(f) Subsections (a) through (e) shall also be applicable to any non-commercial drivers license holder who commits any of the above offenses in a commercial motor vehicle that has a gross vehicle weight rating or gross combination weight rating of ten

thousand and one (10,001) pounds through twenty-six thousand (26,000) pounds. If any non-commercial drivers license holder violates any of the provisions in the above subsections while operating a commercial motor vehicle with a gross vehicle weight rating of ten thousand and one (10,001) pounds through twenty-six thousand (26,000) pounds, such non-commercial drivers license holder shall be prevented from legally obtaining a commercial drivers license during the applicable suspension revocation or cancellation periods specified in the above subsections.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.